

PATENT
Attorney Docket No. **BIOSPAN-08481**

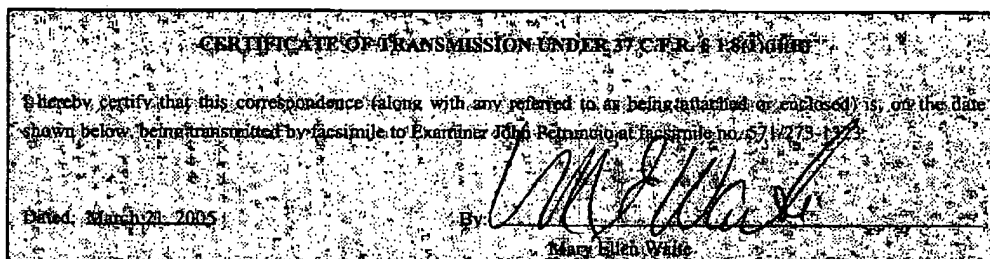
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Sheldon R. Chesky**
Serial No.: **10/728,651**
Filed: **12/05/2003**
Entitled: **Bituminous Substance Removal Compositions**

Group No.:
Examiner: **John Petruncio**

FACSIMILE TRANSMISSION

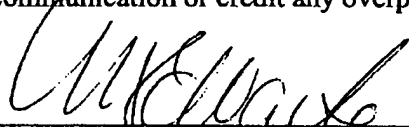
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



I hereby certify that I have sent via facsimile the following documents to Examiner John Petruncio at facsimile no. 571/273-1323

1. Terminal Disclaimer To Obviate A Double Patenting Rejection (2 Pages)
2. Authorization to charge Deposit Account No. 08-1290 the fee of \$65.00 and to charge any fees associated with this communication or credit any overpayment to the deposit account.

Dated: March 21, 2005


Mary Ellen Waite
MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
608/218-6900

PATENT

U.S. Patent Application No. 10/728,651

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In re Application of: Sheldon R. Chesky

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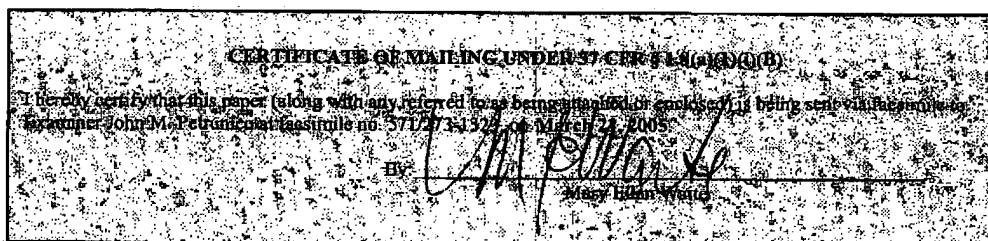
Filed:

Examiner: John Petruncio

Entitled:

Bituminous Substance Removal Composition**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Dear Examiner:

I, J. Mitchell Jones, represent that I am an attorney of record for this invention. The Assignee, Bio Span Technologies, Inc., 2935 S. Fish Hatchery Road, Madison, Wisconsin, 53711, is the owner of one-hundred percent (100%) interest in the instant application. The Assignment from the inventors was recorded in the Patent and Trademark Office at Reel 010976, Frame 0076. The Assignment recordation date was July 25, 2000.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term, defined in 35 U.S.C. §§ 154 and 173, of U.S. Patent Application No. 09/624,745, filed July 25, 2000, issued April 3, 2001 as U.S. Patent No. 6,211,133. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,211,133 are commonly owned. This assignment runs with any patent

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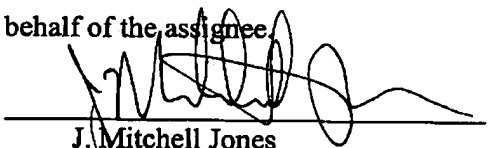
granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of U.S. Patent No. 6,211,133 in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is empowered to act on behalf of the assignee.

Dated: March 21, 2005



J. Mitchell Jones
Registration No. 44,174

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